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201008Z Dec 00

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FM AMEMBASSY HARARE
TO SECSTATE WASHDC 7877
INFO NSC WASHDC
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
AMEMBASSY NAIROBI

C O N F I D E N T I A L SECTION 01 OF 03 HARARE 007159

SIPDIS

NSC FOR SENIOR AFRICA DIRECTOR GAYLE SMITH
LONDON FOR CGURNEY
PARIS FOR BWILLIAMS
NAIROBI FOR PFLAUMER
PASS USAID FOR AFR/SD - DWELLER, AND AFR/SA - CPALMA,

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E.O. 12958: DECL: 12/20/10
TAGS: [EAGR](#) [PREL](#) [PHUM](#) [PINR](#) [ZI](#)
SUBJECT: INYIKA TRUST, A NEW PLAYER ON THE LAND ISSUE IN
ZIMBABWE

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REFS: A) INYIKA TRUST LETTER FAXED TO THE DEPARTMENT,
B) HARARE 6660, C) HARARE 6547

CLASSIFIED BY CHARGE DE AFFAIRES EARL M. IRVING FOR
REASONS 1.5 (B/D).

1. (U) SUMMARY: ON DECEMBER 5, TERENCE HUSSEIN, AN ATTORNEY AFFILIATED WITH INYIKA TRUST, MET WITH ECONOFF AT THE EMBASSY. INYIKA TRUST IS A NEWLY REGISTERED NGO IN ZIMBABWE WHOSE STATED PURPOSE IS TO PROVIDE LEGAL ASSISTANCE AND REPRESENTATION TO COMMUNAL FARMERS AND LANDLESS BLACK ZIMBABWEANS. THE TRUST CAME TO THE EMBASSY'S ATTENTION WHEN IT WAS MENTIONED IN THE NEWSPAPERS AS THE ORGANIZATION PROVIDING LEGAL ASSISTANCE TO TWO BLACK ZIMBABWEANS WHO INDIVIDUALLY FILED CLASS ACTION LAWSUITS RELATED TO THE LAND REFORM ISSUE. THE SUITS ARE A DIRECT RESPONSE TO COMMERCIAL FARMERS UNION (CFU) LAWSUITS AND LEGAL MANEUVERS. HUSSEIN STATED THAT INYIKA TRUST IS APOLITICAL AND NON-PARTISAN, AND THAT IT IS CRITICAL OF BOTH THE GOVERNMENT OF ZIMBABWE (GOZ) AND THE CFU FOR FAILING TO RESOLVE THE LAND ISSUE IN ZIMBABWE. HUSSEIN EXPLAINED THAT HIS ORGANIZATION WILL ENGAGE IN A MAJOR LEGAL EFFORT TO DECLARE THE LAND TITLE SYSTEM IN ZIMBABWE INVALID, SINCE IT ORIGINATED IN THE ILLEGAL SEIZURE OF LAND BY THE EARLY BRITISH SETTLERS. IT WILL ALSO INITIATE LEGAL ACTION TO FORCE THE UNITED KINGDOM (UK) TO PAY COMPENSATION FOR WHAT WAS STOLEN FROM THE ZIMBABWEAN PEOPLE DURING THE COLONIAL PERIOD. ECONOFF ENCOURAGED HUSSEIN AND INYIKA TRUST TO SERVE A CONSTRUCTIVE ROLE IN

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THE LAND REFORM DEBATE. POST SUBSEQUENTLY LEARNED FROM A LOCAL ATTORNEY THAT HUSSEIN'S LAW FIRM IS PROVIDING LEGAL ASSISTANCE TO THE GOZ'S MINISTER FOR INFORMATION JONATHAN MOYO, AS WELL AS TO ZANU-PF. ON DECEMBER 12 INYIKA TRUST FAXED A LETTER TO THE EMBASSY ADDRESSED TO SECRETARY ALBRIGHT, CRITICIZING THE SECRETARY FOR THE

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COMMENTS SHE MADE REGARDING THE LAND REFORM AND RULE OF LAW ISSUES IN ZIMBABWE DURING HER VISIT TO BOTSWANA. THE DECEMBER 13 ISSUE OF THE GOZ-CONTROLLED NEWSPAPER "THE HERALD" RAN A STORY HEADLINED "INYIKA TRUST CONDEMN'S ALBRIGHT'S COMMENTS CONCERNING LAND ISSUE." INYIKA TRUST ON DECEMBER 19 RAN A FULL-PAGE AD IN THE GOZ-CONTROLLED "THE HERALD" NEWSPAPER OFFERING THEIR SERVICES TO ALL RESETTLED FARMERS WHO RECEIVE EVICTION NOTICES FROM ZIMBABWE'S COURTS. WE SUSPECT INYIKA IS A ZANU-PF CUT-OUT ORGANIZATION. END SUMMARY.

WHAT IS INYIKA TRUST?

12. (U) INYIKA TRUST, FORMALLY LAUNCHED ON NOVEMBER 24, CLAIMS TO BE AN APOLITICAL, NON-PARTISAN NGO FORMED TO REPRESENT THE VIEWS AND INTERESTS OF BLACK ZIMBABWEANS LIVING ON COMMUNAL LANDS AND LANDLESS PEOPLE IN ZIMBABWEAN SOCIETY. PER TRUST MATERIALS, "INYIKA" MEANS "LAND" IN THE LANGUAGE OF THE NAMBYA TRIBE, A SMALL ZIMBABWEAN TRIBE FROM THE DETE AREA OF ZIMBABWE. ACCORDING TO HUSSEIN, INYIKA TRUST IS COMPOSED OF TWO SEPARATE LEGAL BODIES: INYIKA, WHICH HAS A MEMBERSHIP DRAWN FROM PEOPLE FROM COMMUNAL AREAS AND LANDLESS
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PEOPLE RECENTLY RESETTLED ON FARMS, AND IS APOLITICAL PER ITS CONSTITUTION; AND INYIKA TRUST, WHICH IS DEDICATED TO OBTAINING AND DISBURSING FUNDS TO APPROPRIATE CAUSES, WITH MOST OF ITS FUNDING GOING TO SUPPORT INYIKA. INYIKA TRUST HAS A BOARD OF TRUSTEES, OF WHICH HUSSEIN IS A MEMBER. INYIKA TRUST'S PRINCIPLE OBJECTIVES ARE: TO REPRESENT COMMUNAL FARMERS IN THEIR QUEST FOR LAND; TO REPRESENT THE INTERESTS OF LANDLESS PEOPLE ON RESETTLED FARMS; TO MOUNT LEGAL CHALLENGES TO THE LAND TENURE SYSTEM RELATED TO AGRICULTURAL LAND; TO OBTAIN COMPENSATION FROM THE BRITISH MONARCH FOR THE UNLAWFUL ACTIONS OF HER GOVERNMENT AND SUBJECTS THAT LED TO BLACK ZIMBABWEANS LOSING THEIR LANDS; AND TO PUBLICIZE THE PLIGHT OF THE LANDLESS AND DISPOSSESSED PEOPLE OF ZIMBABWE. INYIKA TRUST HAS AS ITS SLOGAN "THE TIME HAS COME TO PAY THE RENT." HUSSEIN STATED THAT THE BOARD OF TRUSTEES WAS NOT COMPLETELY ESTABLISHED, BUT THAT IT WAS COMPOSED OF BLACK ZIMBABWEAN LAWYERS DOING PROBONO WORK FOR INYIKA TRUST.

THE TWO CLASS ACTION SUITS

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13. (U) INYIKA TRUST IS CURRENTLY INVOLVED IN SUPPORTING TWO CLASS ACTION LAWSUITS THAT HAVE BEEN FILED BY SEPARATE BLACK ZIMBABWEANS. THE FIRST SUIT WAS FILED BY SAMSON MHURIRO, A BLACK ZIMBABWEAN RESETTLED ON A FARM IN 1998. MHURIRO'S LAWSUIT SEEKS TO HAVE THE SUPREME COURT CONSENT ORDER REQUIRING THE IMMEDIATE EVICTION OF ALL PEOPLE OCCUPYING FARMS NULLIFIED BECAUSE IT VIOLATES THE CONSTITUTIONAL RIGHTS OF THESE PEOPLE (REF B AND C). THE SECOND SUIT WAS FILED BY EDNA MARIMIRA, A BLACK ZIMBABWEAN WHO LIVES IN A COMMUNAL FARM VILLAGE. MARIMIRA'S LAWSUIT SEEKS TO HAVE THE LEGAL TITLES TO AGRICULTURAL LAND IN ZIMBABWE DECLARED INVALID SINCE THE LAND WAS ORIGINALLY STOLEN FROM THE INHABITANTS BY THE BRITISH COLONISTS. HER SUIT SEEKS TO HAVE THE LAND OWNERSHIP REVERT BACK TO COMMON OWNERSHIP OF THE BLACK ZIMBABWEAN PEOPLE.

14. (C) IN LINE WITH HUSSEIN'S STATEMENT THAT INYIKA TRUST IS APOLITICAL AND NON-PARTISAN, HE CRITICIZED THE GOZ AS BEING AS MUCH TO BLAME AS THE CFU AND COMMERCIAL FARMERS FOR THE FAILURE OF LAND REFORM THROUGH THE PRESENT. WHILE HE CRITICIZED THE COURTS, AND ESPECIALLY THE SUPREME COURT, HE ALSO HAD HARSH WORDS FOR THE GOZ ATTORNEY GENERAL'S OFFICE, AND THE GOZ MINISTRIES THAT HAVE TRADITIONALLY DEALT WITH LAND REFORM AND THE COMMUNAL AREAS. HE STATED THAT THE GOZ HAS FAILED TO

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SUPPORT THE COMMUNAL FARMERS WITH INFRASTRUCTURE AND OTHER ASSISTANCE, OR TO ACT ON BEHALF OF LANDLESS BLACK ZIMBABWEANS IN RESETTLING THEM. HE STATED THAT INYIKA IS NOT RACIALLY EXCLUSIVE IN ITS MEMBERSHIP OR THE CAUSES IT WILL SUPPORT, BUT THAT THE HISTORICAL REALITY IS THAT BLACKS ARE THE RACIAL GROUP THAT WAS DISPOSSESSED OF LAND AND THAT NEEDS ASSISTANCE MOST. HUSSEIN DID NOT CRITICIZE OR DEFEND PRESIDENT MUGABE OR OTHER GOZ OFFICIALS.

A NEW ZANU-PF FRONT ORGANIZATION?

15. (C) FOLLOWING THE DECEMBER 5 MEETING, ECONOFF CONTACTED MIKE AURET JR. (PROTECT), A ZIMBABWEAN ATTORNEY WHO IS KNOWLEDGEABLE ABOUT THE LEGAL PROFESSION IN ZIMBABWE AND HAS IN THE PAST PROVIDED ACCURATE INFORMATION TO THE EMBASSY. (NOTE: MIKE AURET SR., THE FATHER OF MIKE AURET JR., IS A MEMBER OF PARLIAMENT FOR THE OPPOSITION MDC.) AURET JR. INFORMED ECONOFF THAT HUSSEIN'S LAW FIRM, HUSSEIN, RANCHHOD AND CO., IS A LAW FIRM THAT THE GOZ MINISTER OF INFORMATION AND PUBLICITY JONATHAN MOYO USED TO ASSIST IN THE DRAFTING OF THE GOZ'S NEW AND REPRESSIVE BROADCASTING REGULATIONS. THIS LAW FIRM IS ALSO ASSISTING ZANU-PF IN ITS DEFENSE OF THE LAWSUITS THE MDC HAS FILED CHALLENGING THE JUNE ELECTION RESULTS IN 38 PARLIAMENTARY CONSTITUENCIES. (COMMENT: THIS INFORMATION, WHICH POST FINDS CREDIBLE, CALLS INTO QUESTION THE ALLEGED APOLITICAL AND NON-PARTISAN CHARACTER OF INYIKA TRUST. END COMMENT.)

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INYIKA TRUST PROTESTS ALBRIGHT'S COMMENTS ON ZIMBABWE

16. (SBU) ON DECEMBER 12, FOLLOWING SECRETARY ALBRIGHT'S COMMENTS REGARDING THE LAND REFORM AND RULE OF LAW ISSUES IN ZIMBABWE DURING HER VISIT TO BOTSWANA, THE EMBASSY RECEIVED A FAXED LETTER FROM INYIKA TRUST. THIS LETTER IS TO THE ATTENTION OF THE SECRETARY, AND CRITICIZES HER FOR HER COMMENTS IN BOTSWANA, AND DETAILS INYIKA TRUST'S POSITION ON THE LAND REFORM ISSUE (REF A). THE DECEMBER 13 ISSUE OF "THE HERALD" RAN A STORY ON INYIKA TRUST AND ITS CONDEMNATION OF SECRETARY ALBRIGHT FOR HER COMMENTS.

DOES INYIKA TRUST HAVE DEEP POCKETS?

17. (C) THE DECEMBER 19 ISSUE OF "THE HERALD" CONTAINED A FULL-PAGE MULTICOLOR ADVERTISEMENT RUN BY INYIKA TRUST. THE AD INCLUDES SOME INFORMATION ON THE LAND ISSUE FROM INYIKA TRUST'S PERSPECTIVE, AND THEN OFFERS THE TRUST'S

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LEGAL ASSISTANCE TO ANY RESETTLED FARMERS WHO RECEIVE COURT PAPERS ON EVICTION. THE AD ALSO LISTS LAW OFFICES IN TEN CITIES AND TOWNS IN ZIMBABWE THAT WORK WITH INYIKA TRUST. POST'S PUBLIC AFFAIRS OFFICER ESTIMATES THAT A FULL-PAGE AD OF THIS TYPE COULD EASILY COST 20,000 ZIMBABWE DOLLARS (US\$ \$333 AT THE CURRENT EXCHANGE RATE OF Z\$60 TO US\$1. (COMMENT: THIS AD AND THE OFFER OF LEGAL ASSISTANCE TO ANY RESETTLED FARMERS SUGGESTS THAT INYIKA TRUST HAS SUBSTANTIAL FINANCIAL BACKING FROM UNDETERMINED SOURCES. END COMMENT.)

18. (C) COMMENT: HUSSEIN CAME ACROSS AS A REASONABLE INDIVIDUAL DURING HIS CONVERSATION WITH ECONOFF AND USED NONE OF THE HISTORICAL COMMON AMONG GOZ AND ZANU-PF OFFICIALS. HIS BALANCED CRITICISM OF BOTH THE GOZ AND COMMERCIAL FARMERS, AND HIS COMMENT THAT LAND WOULD HAVE TO BE TAKEN FROM BLACK COMMERCIAL FARMERS AS WELL AS WHITE COMMERCIAL FARMERS, SUGGESTS THAT INYIKA TRUST HAS WORKED HARD ON A POLISHED PRESENTATION THAT WILL PROVE IT IS NOT ASSOCIATED WITH ZANU-PF. HOWEVER, THE THRUST OF THE LAWSUITS THAT INYIKA TRUST IS SUPPORTING, INCLUDING THE CHALLENGE TO THE VALIDITY OF LAND TITLES IN ZIMBABWE, CALLS INTO QUESTION THE CLAIMED APOLITICAL, NON-PARTISAN CHARACTER OF INYIKA TRUST. IT ALSO LEADS POST TO BELIEVE THAT INYIKA TRUST WILL NOT BE A MODERATE AND CONSTRUCTIVE ACTOR ON THE LAND REFORM ISSUE IN ZIMBABWE, AND, INDEED, APPEARS TO BE LITTLE MORE THAN A ZANU-PF CUT OUT ORGANIZATION CREATED TO COUNTER THE CFU RECOURSE TO THE COURTS TO REDRESS ITS LAND-RELATED GRIEVANCES AGAINST THE RULING PARTY AND THE GOZ.

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ECONOFF ENCOURAGED HUSSEIN TO BROADEN THE ROLE THAT INYIKA TRUST CAN PLAY IN REPRESENTING THE COMMUNAL FARMERS AND LANDLESS PEOPLE IN ZIMBABWE TO ONE OF BUILDING BRIDGES AND SUPPORTING A TRANSPARENT, EQUITABLE, AND LEGAL LAND REFORM PROGRAM. END COMMENT.

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